

CAMPAIGN SPENDING COMMISSION

STATE OF HAWAII

In Re the Matter of)	CA 02-34
)	
CONTROLPOINT SURVEYING, INC.)	
and Alden Kajioka,)	
)	
Respondents.)	
_____)	

CONCILIATION AGREEMENT

On or around June 2002, Robert Y. Watada, Executive Director for the Campaign Spending Commission ("Commission"), initiated an investigation of Respondents, Controlpoint Surveying, Inc. and Alden Kajioka (hereinafter referred to as "Control" unless otherwise noted). Business Registration Division records list Control as doing business in land surveying, whose business address is 1043 Wong Ho Lane, Honolulu, Hawaii. Control list its officers as:

Alden Kajioka	President/Treasurer
Wilfred Y.K. Chin	Vice-President
Sheri Ann N. Kajioka	Secretary

The investigation was initiated pursuant to the express authority of section 11-193, Hawaii Revised Statutes ("HRS"), for a determination of whether the campaign spending law had been violated and a complaint would be submitted to the Commission.

NOW, THEREFORE, Control and the Commission, having entered into conciliation and pursuant to section 11-216(g), HRS, do hereby agree as follows:

- I. That the Commission has jurisdiction over Respondents and the subject matter of this administrative action.

- II. That this Conciliation Agreement ("Agreement") and upon complete performance of the conditions stated herein has the effect of remedial or corrective action taken by Respondents pursuant to section 11-216(g), HRS.
- III. That Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.
- IV. That Respondents waive the right to be heard at a public hearing conducted under chapter 91, HRS, pursuant to section 11-228(b), HRS.
- V. That Respondents enter into this Agreement with the Commission on their own volition and with full knowledge and understanding.
- VI. That parties agree to the pertinent facts as follows:
 1. On or around June 2002, Robert Y. Watada, in his capacity as Executive Director of the Campaign Spending Commission, and upon information received through the disclosure statements of the Harris 2000 Campaign Committee ("Harris"), Friends of Ben Cayetano campaign committee ("Cayetano"), Kimo Apana for Mayor campaign committee ("Apana") and Mufi Hannemann campaign committee ("Hannemann"), initiated an investigation involving excess contributions in violation of section 11-204 and contributions in the name of another in violation of section 11-202, HRS.
 2. Section 11-204(a)(1)(B), HRS reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any

other entity shall make contributions to:...A candidate seeking nomination or election to a four-year statewide office or to the candidate's committee in an aggregate amount greater than \$6,000 during an election period.

3. Section 11-204(a)(1)(C), HRS, reads in part as follows: No person, other than a candidate for the candidate's own campaign, or any other entity shall make contributions to:...A candidate seeking nomination or election to a four-year nonstatewide office or to the candidate's committee in an aggregate amount greater than \$4,000 during an election period.
4. Section 11-204(h), HRS reads in part as follows: an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.
5. Section 11-202, HRS reads in part as follows: No person shall make a contribution of the person's own money or property, or money or property of another person to any candidate, party, or committee in connection with a nomination for election, or election, in any name other than the true name of the person who owns the money or who supplied the money or property.
6. The election period for Harris for Mayor of Honolulu campaign include the period from November 6, 1996 to November 7, 2000.
7. Contributions to Harris from Control for the 1996 to 2001 review period total \$35,800.

8. Contributions made by family members, employees and associates on behalf of and funded by Control to Harris totaled \$27,700.

Such contributions include:

Coren Scott Kajioka, Son	\$2,000	12/14/01
	\$1,000	10/29/99
	\$1,000	10/29/99
	\$ 250	6/2/99
Sheri Ann Kajioka, In-Law	\$2,100	12/19/01
	\$ 100	9/14/00
	\$2,000	6/27/99
	\$ 500	9/23/97
	\$2,000	8/28/96
Stanley Kajioka, Brother	\$6,000	12/14/01
Wilfred Y.K. Chin, Officer	\$1,000	10/29/99
Esther Y. Chin, Wife of	\$ 500	4/20/00
Wilfred Chin	\$1,000	12/13/99
	\$1,000	12/13/99
	\$1,000	12/9/99
Karl T. Nishio	\$2,000	12/13/99
Herbert t. Yanagihara,	\$1,000	9/15/00
Control employee	\$1,000	4/25/00
Kataichi Ninomiya, Officer	\$2,000	9/20/00
Ruth Ninomiya, Wife of	\$ 250	8/22/97
Kataichi Ninomiya		

9. On or about May 21, 1998, Kajioka made a contribution to Harris in the amount of \$1,000.
10. On or about June 2, 1999, Kajioka made a contribution to Harris in the amount of \$100.
11. On or about June 2, 1999 Kajioka made a contribution to Harris in the amount of \$500.
12. On or about June 2, 1999, Kajioka made a contribution to Harris in the amount of \$4,000. The Harris campaign attributed the contribution to Kajioka's wife Wanda.

13. On or about June 26, 1999, Kajioka made a contribution to Harris in the amount of \$500.
14. On or about December 14, 2001, Kajioka made a contribution to Harris in the amount of \$1,000.
15. On or about 14, 2001, Wanda Kajioka, wife of Kajioka made a contribution to Harris in the amount of \$2,000.
16. On or about December 19, 2001, Kajioka made a contribution to Harris in the amount of \$2,900.
17. The election period for Cayetano for Governor campaign include the period from January 1, 1995 to November 6, 1998.
18. Contributions to Cayetano from Control for the 1996 to 2001 review period total \$20,100.
19. Contributions made by family members, employees and associates on behalf of and funded by Control to Cayetano total \$12,100.

Such contributions include:

Coren Scott Kajioka	\$ 500	10/5/98
Sheri Ann Kajioka	\$ 250	6/29/98
	\$ 250	6/23/98
	\$1,000	6/22/98
Stanley Kajioka	\$ 250	6/29/98
	\$ 250	6/23/98
	\$ 500	6/23/98
	\$1,000	6/22/98
Wilfred Y.K. Chin	\$ 100	10/6/98
	\$ 800	10/1/98
Esther Y. Chin	\$ 100	10/6/98
	\$ 800	10/1/98
Kataichi Ninomiya	\$2,000	4/22/97
Ruth Ninomiya	\$1,000	12/30/97
	\$2,000	4/22/97
Fumiko Kaneshiro	\$ 400	10/1/98

Norman K. Murakami \$ 900 10/29/98

20. On or about April 25, 1997, Kajioka made a contribution to Cayetano in the amount of \$500.
21. On or about April 25, 1997, Kajioka made a contribution to Cayetano in the amount of \$500.
22. On or about April 22, 1997, Kajioka made a contribution to Cayetano in the amount of \$1,000.
23. On or about June 18, 1997, Kajioka made a contribution to Cayetano in the amount of \$500.
24. On or about December 30, 1997, Kajioka made a contribution to Cayetano in the amount of \$1,500.
25. On or about April 25, 1997, Wanda Kajioka, wife of Kajioka made a contribution to Cayetano in the amount of \$500.
26. On or about April 25, 1997, Wanda Kajioka made a contribution to Cayetano in the amount of \$500.
27. On or about June 18, 1997, Wanda Kajioka made a contribution to Cayetano in the amount of \$500.
28. On or about December 30, 1997, Wanda Kajioka made a contribution to Cayetano in the amount of \$2,000.
29. On or about December 30, 1997, Wanda Kajioka made a contribution to Cayetano in the amount of \$500.
30. The election period for the Hannemann campaign for Mayor of Honolulu include the period from November 6, 1996 to November

7, 2000. Contributions by Control to Hannemann outside of the election period are noted by date.

31. Contributions to Hannemann from Control for the 1996 to 2001 review period total \$12,250.
32. Contributions made by family members, employees and associates on behalf of and funded by Control to Hannemann total \$12,250.

Such contributions include:

Coren Scott Kajioka	\$1,000	9/1/01
Stanley M. Kajioka	\$ 250	12/31/97
	\$3,000	9/1/00
Esther Chin	\$3,000	8/4/00
Linda Ann Nagata	\$3,000	9/1/01
	\$2,000	3/26/96

33. The election period for Apana for Mayor of Maui campaign include the period from January 1, 1995 to November 6, 1998.
Contributions by Control to Apana outside of the election period are noted by date.
34. Contributions to Apana from Control for the 1996 to 2001 review period total \$16,000.
35. Contributions made by family members, employees and associates on behalf of and funded by Control to Apana total \$8,000. Such contributions include:

Coren Scott Kajioka	\$ 500	9/28/01
	\$2,000	9/19/01
	\$ 500	9/13/01
	\$1,000	8/31/01
Sheri Ann Kajioka	\$4,000	9/21/01

36. On or about April 26, 2001, Kajioka made a contribution to Apana in the amount of \$8,000, of which \$4,000 was attributed to Wanda Kajioka by the Apana campaign committee.
37. That contributions by Control to Harris in violation of section 11-202, HRS total \$27,700
38. That contributions by Control to Harris in violation of section 11-204, HRS total \$2,100.
39. That contributions by Control to Cayetano in violation of section 11-202, HRS total \$12,100.
40. That contributions by Control to Hannemann in violation of section 11-202, HRS total \$12,250.
41. That contributions by Control to Apana in violation of section 11-202, HRS total \$8,000.
42. That Control failed to file an organizational report pursuant to section 11-194, HRS.
43. That Control failed to file disclosure reports pursuant to section 11-212 and 11-213, HRS.
44. That Control failed to file state contractor reports pursuant to section 11-205.5, HRS.

VII. Settlement Terms

As final settlement of the matter and issues in Conciliation Agreement #02-34, Control understands and agrees to the following:

(A) Control agrees to an assessment of **Forty-eight Thousand Dollars (\$48,000)** pursuant to section 11-228, HRS.

(1) For violation of section 11-202, HRS, making false name campaign contributions to the Harris, Cayetano, Hannemann and Apana campaign committees;

(2) For violation of section 11-204(a)(1)(C), HRS, making an excess campaign contribution to the Harris campaign committee;

(3) For violation of sections 11-194, 11-212 and 11-213, HRS, failure to file an organizational report and required disclosure reports;

(4) For violation of section 11-205.5, HRS, failure to file state contractor reports.

(B) Control agrees to comply with campaign finance statutes on contribution and expenditures to candidate committees.

(C) Terms of payment of the assessment shall be by Order of the Commission.

VIII. The Commission upon its own motion or a written request of anyone filing a complaint under section 11-216, HRS, may review compliance with the Agreement. If the Commission believes that the Agreement has been violated, it may institute administrative proceedings or a civil action in the Circuit Court of the First Circuit pursuant to section 11-228(c), HRS.

- IX. This Agreement shall become effective as of the date that all parties have signed and the Commission has approved the entire Agreement.
- X. This Agreement constitutes the entire agreement between the Commission and Control on the matters raised herein, and no other statement, promise, or agreement, either in writing or oral, not contained in this Agreement made by either party or by agents of either party shall be enforceable.
- XI. This Agreement, unless violated, shall be a complete bar to any further action by the Commission with respect to the violations at issue in this matter.

FOR THE COMMISSION:

Robert Y. Watada, Executive Director

By: _____

Date: _____

FOR THE RESPONDENTS:

Alden Kajioka

By: _____

Date: _____

(Name)

(Title)